

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

IN RE: ERIC J. YELLOW HAWK RED  
HORSE RED FEATHER,

Plaintiff.

CV 16-00069-GF-BMM-JTJ

FINDINGS AND RECOMMENDATIONS  
OF UNITED STATES MAGISTRATE  
JUDGE

Plaintiff Eric J. Yellow Hawk Red Horse Red Feather filed a document that the Court liberally construed as a Complaint (Doc. 1) and a Motion to Proceed in Forma Pauperis. (Doc. 3.). A July 12, 2016 Order requiring Mr. Yellow Hawk Red Horse Red Feather to file a copy of his jail/prison account statement (Doc. 5) was returned as undeliverable on August 4, 2016. (Doc. 6.)

Pursuant to Local Rule 5.2(b),

The court may dismiss a complaint without prejudice . . . when:

- (1) a document directed to the attorney or self-represented party by the court has been returned to the court as not deliverable; and
- (2) the court fails to receive within 60 days of this return a written communication from the attorney or self-represented party indicating a current address for service.

The July 12, 2016 Order was returned to the Court as not deliverable on August 4, 2016. It has been more than 60 days since the date of that return and there has been no communication from Mr. Yellow Hawk Red Horse Red Feather.

Accordingly, IT IS HEREBY RECOMMENDED THAT this matter be dismissed without prejudice pursuant to Local Rule 5.2(b) and all pending motions be terminated.

DATED this 17th day of October 2016.

/s/ John Johnston  
John Johnston  
United States Magistrate